

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

JOHN CARLO MANIGAULTE,

Plaintiff,

MEMORANDUM AND ORDER

08-CV-1853(JS)(WDW)

- against -

C.W. POST OF LONG ISLAND UNIVERSITY,

Defendant.

-----X

APPEARANCES

For Plaintiff: John Carlo Manigaulte, Pro Se
165 Ardito Avenue
Kings Park, NY 11754

For Defendant: Catherine Murphy, Esq.
Office of the General Counsel
Long Island University
700 Northern Boulevard
Brookville, NY 11548

SEYBERT, District Judge:

Pending before the Court is Magistrate Judge William D. Wall's Report & Recommendation ("R&R") that the Court dismiss pro se Plaintiff John Carlo Manigaulte's case with prejudice for Plaintiff's failure to comply with repeated discovery orders. (Docket Entry 201.) Also pending are Plaintiff's objections to the R&R (Docket Entries 203 & 205), which mainly reiterate arguments he has already made to Judge Wall and to this Court. See Thomas v. Astrue, 674 F. Supp. 2d 507, 511 (S.D.N.Y. 2009) (noting that objections that rehash old arguments are reviewed only for clear error). Nevertheless, in light of the severity of the sanction and out of an abundance of caution, the Court has reviewed the R&R de novo and hereby ADOPTS it in its entirety for the reasons

articulated by Judge Wall.

The Clerk of the Court is respectfully directed to mark this case CLOSED and to mail Plaintiff a copy of this Order. The Clerk is further directed to terminate as moot Docket Entry 193, in which Plaintiff sought to stay this case pending the U.S. Supreme Court's review of Plaintiff's petition for certiorari. The Supreme Court denied Plaintiff's petition. Manigaulte v. C.W. Post of Long Isl. Univ., 132 S. Ct. 517, 181 L. Ed. 2d 364 (2011). This Order is without prejudice as to an in forma pauperis application should Plaintiff seek to appeal this decision.

SO ORDERED

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: July 27, 2012
Central Islip, New York